

The Special Protection Group Act, 1988

(ACT NO. 34 OF 1988)

(*As on the* 22*nd May*, 2025)

LIST OF AMENDING ACTS

1. The Special Protection Group (Amendment) Act, 1991 (48 of 1991).
2. The Special Protection Group (Amendment) Act, 1995 (4 of 1995).
3. The Special Protection Group (Amendment) Act, 1999 (35 of 1999).
4. The Special Protection Group (Amendment) Act, 2003 (20 of 2003).
5. The Special Protection Group (Amendment) Act, 2019 (43 of 2019).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE SPECIAL PROTECTION GROUP ACT, 1988

ARRANGEMENT OF SECTIONS

SECTIONS

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THE SPECIAL PROTECTION GROUP ACT, 1988

ACT NO. 34 OF 1988

[2*nd June*, 1988.]

An Act to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the [1][former Prime Ministers of India and members of their immediate families] and for matters connected therewith.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follow:—

1. Short title and commencement.—(*1*) This Act may be called the Special Protection Group Act, 1988.

(*2*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "active duty" in relation to a member of the Group means any duty as such member during the period when he is posted to physically protect the Prime Minister of India and the members of [3][his immediate family or a former Prime Minister and the members of his immediate family], wherever he or they may be;

(*b*) "Director" means the Director of the Group appointed under sub-section (*1*) of section 5;

(*c*) "Group" means the Special Protection Group constituted under section 4;

(*d*) "member of the Group" means a person who has been appointed to the Group by the prescribed authority whether before or after the commencement of this Act;

(*e*) "members of immediate family" means wife, husband, children and parents;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "proximate security" means protection provided from close quarters, during journey by road, rail, aircraft, watercraft or on foot or any other means of transport and shall include the places of functions, engagements, residence or halt and shall comprise ring round teams, isolation cordons, the sterile zone around, and the rostrum and access control to the person or members of his immediate family;

(*h*) all words and expressions used and not defined in this Act but defined in the Indian Penal Code (45 of 1860) shall have the meanings respectively assigned to them in that Code.

3. Members subject to this Act.—Every member of the Group shall be subject to this Act, wherever he may be.

4. Constitution of the Group.—[4][(*1*) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to,—

(*a*) the Prime Minister and members of his immediate family residing with him at his official residence; and

(*b*) any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister.]

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1. Subs. by Act 48 of 1991, s. 2, for "members of his immediate family" (w.e.f. 25-9-1991).
2. 1st August, 1988, *vide* Notifn. No. S.O. 735(E), dated 1st August, 1988, *See* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
3. Subs. by Act 48 of 1991, s. 3, for "his immediate family" (w.e.f. 25-9-1991).
4. Subs. by Act 43 of 2019, s. 2, for sub-section (*1*) (w.e.f. 10-12-2019).

(*1A*) Notwithstanding anything contained in sub-section (*1*),—

(*a*) any former Prime Minister or any member of the immediate family of the Prime Minister or of a former Prime Minister may decline proximate security;

[1][(*b*) where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister:]

Provided that where the level of threat faced by any member of the immediate family of a former Prime Minister warrants proximate security or any other security, such security shall be provided to that member.]

(*2*) Subject to the provisions of this Act, the Group shall be constituted in such manner as may be prescribed and the terms and conditions of service of the members of the Group shall be such as may be prescribed.

(*3*) Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may be appointed to the Group by the Central Government by a general or special order and for such period as may be specified in such order, and the person so appointed shall, during the period of his appointment, be deemed to be a member of the Group, and the provisions of this Act shall, so far as may be, apply to such person or member.

5. Control, direction, etc.—(*1*) The general superintendence, direction and control of the Group shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules, the command and supervision of the Group shall vest in an officer to be appointed by the Central Government as the Director of the Group.

(*2*) The Director shall, in the discharge of his duties under this Act, be assisted by such number of [2][Inspectors General, Deputy Inspectors General, Assistant Inspectors General] and other officers as may be appointed by the Central Government.

6. Liability for service in and outside India.—Every member of the Group shall be liable to serve in any part of India as well as outside India.

7. Members of the Group always on active duty.—Every member of the Group, not on leave or under suspension, shall, for all purposes of this Act, be always on active duty and may at any time be employed or deployed in any manner which is consistent with the duties and responsibilities of the Group under this Act.

8. Resignation and withdrawal from the post.—No member of the Group shall be at liberty—

(*a*) to resign his appointment during the terms of his engagement; or

(*b*) to withdraw himself from all or any of the duties of his appointment,

except with the previous permission in writing of the prescribed authority.

9. Tenure of service.—Every member of the Group shall hold office during the pleasure of the President.

10. Restrictions respecting right to form associations, freedom of speech, etc.—(*1*) No member of the Group shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(*a*) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

1. Subs. by Act 43 of 2019, s. 2, for Cl. (*b*) (w.e.f. 10-12-2019).
2. Subs. by Act 20 of 2003, s. 3, for "Deputy Directors, Assistant Directors, Joint Assistant Directors" (w.e.f. 13-3-2003).

(*b*) be a member of, or be associated in any way with, any society, institution, association or organisation that is not of a purely social, recreational or religious nature; or

(*c*) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (*b*) or whether any book, letter or document is a communication or publication in the *bona fide* discharge of his duties or is a purely literary, artistic or scientific character or is of a prescribed nature under clause (*c*), the decision of the Central Government thereon shall be final.

(*2*) No member of the Group shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.

11. Termination of service.—The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and such termination shall be deemed to be discharged *simpliciter* and shall not amount to dismissal or removal.

12. Appeal.—(*1*) Any member of the Group aggrieved by an order under section 11 may, within thirty days from the date of such order, prefer an appeal to a Board to be constituted by the Central Government.

(*2*) The Board shall consist of such persons as may be prescribed.

(*3*) The decision of the Board shall be final and shall not be called in question in any court or tribunal.

(*4*) The Board shall have power to regulate its own procedure.

13. Powers and duties conferable on members of the Group.—The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations as may be specified in that order, any member of the Group may exercise or discharge such powers or duties as may be specified in the said order for giving effect to the provisions of this Act.

14. Assistance to Group.—It shall be the duty of every Ministry and Department of the Central Government or the State Government or the Union territory Administration, every Indian Mission, every local or other authority or every civil or military authority to act in aid of the Director or any member of the Group whenever called upon to do so in furtherance of the duties and responsibilities assigned to such Director or member.

15. Protection of action taken under this Act.—No suit, prosecution or other legal proceeding shall lie against the Group or any member thereof on whom powers have been conferred or duties have been imposed under this Act, or any order issued or any rule made thereunder for anything which is in good faith done or purported to be done or omitted to be done in pursuance of this Act or any order issued or any rule made thereunder or any order issued under any such rule.

16. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which the Group shall be constituted and the terms and conditions of service of its members under sub-section (*2*) of section 4;

(*b*) the authorities to be prescribed under section 8, sub-section (*1*) of section 10 and section 11;

(*c*) the nature of the communication or publication under clause (*c*) of sub-section (*1*) of section 10;

(*d*) the purposes, other than political purposes, for which a person subject to this Act shall not participate in, or address, any meeting or take part in any demonstration under sub-section (*2*) of section 10;

(*e*) the persons who shall be members of the Board under sub-section (*2*) of section 12;

(*f*) any other matter which has to be, or may be, prescribed.

17. Laying of orders and rules.—Every order issued under section 13 and every rule made under section 16 shall be laid, as soon as may be after it is issued or made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or the rule or both Houses agree that the order or rule should not be made, the order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or rule.

18. Provision as to existing Special Protection Group.—(*1*) The Special Protection Group in existence at the commencement of this Act shall be deemed to be the Group constituted under this Act.

(*2*) The members of the Special Protection Group in existence at the commencement of this Act shall be deemed to have been appointed as such under this Act.

(*3*) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Special Protection Group referred to in sub-section (*1*) and in relation to any person appointed, shall be as valid and as effective in law as if such thing or action was done or taken under this Act.

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STATEMENT OF OBJECTS AND REASONS

During the last few years, terrorism has been steadily assuming menacing proportions in various part of the country and abroad. In addition to indulging in wanton killings, arson, looting and other heinous crimes with the object to overawing the Government, terrorists aim to destabilise the democratically elected, Government by resorting to selective killing of prominent members of the public including those Who ate in the Government. During the last three years, the present Prime Minister has been under several threats to his life.

2. With a view to providing the proximate security to the Punic Minister and the members of his immediate family, both in India as well as abroad, it has been decided to raise a special force. Accordingly, the Special Protection Group was set up in April 1985 under the Cabinet Secretariat.

3. The Special Protection Group is intended to serve as a single specialised agency consisting of highly motivated professionals charged with the responsibility of ensuring the proximate security of the Prime Minister and the members of his family.

4. It is essential that matters concerning the force should be regulated by a self-contained statute which will also provide the essential legal status to its functioning.

5. The proposed legislation will constitute the force as an armed force of the Union. It will lay down the terms and conditions of service of the members of the force and provide for its control and direction. It has provisions restricting the application of some of the Fundamental Rights to the members of the force in so far this is necessary for the maintenance of discipline. Keeping in view, the exclusive task entrusted to the force, it is proposed to make it obligatory on the part of Ministries and Departments of the Central and State Governments and the Union territories, Indian Missions abroad and local or other authorities, civil or military, to act in aid of the Group.

6. The Bill seeks to achieve the above objects.

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P. CHIDAMBARAM.

NEW DELHI;

The 27*th April,* 1988